

House File 2333 - Introduced

HOUSE FILE 2333
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 521)

A BILL FOR

1 An Act relating to consent decrees in juvenile delinquency
2 proceedings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.46, subsection 1, paragraph a,
2 unnumbered paragraph 1, Code 2016, is amended to read as
3 follows:

4 At any time after the filing of a petition and an admission
5 by the child of the child's involvement in a delinquent act
6 or a finding by the court that the child has committed a
7 delinquent act, and prior to entry of an order of adjudication
8 pursuant to [section 232.47](#), the court may suspend the
9 proceedings on motion of the county attorney or the child's
10 counsel, enter a consent decree, and continue the case under
11 terms and conditions established by the court. Alternatively,
12 the court may enter a consent decree without an admission by
13 the child of the child's involvement in a delinquent act or a
14 finding that the child has committed a delinquent act if both
15 the child and the county attorney agree to the consent decree.
16 These terms and conditions may include any of the following:

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to consent decrees in juvenile delinquency
21 proceedings.

22 Under current law, after a county attorney files a petition
23 alleging that a child has committed a delinquent act and prior
24 to an order of adjudication, the court may suspend the juvenile
25 delinquency proceedings, enter a consent decree, and continue
26 the case under terms and conditions established by the court.
27 If the child complies with the terms and conditions of the
28 consent decree for the required amount of time, the original
29 petition may not be reinstated. If the child fails to comply
30 with the terms and conditions of the consent decree, the child
31 may be held accountable for the underlying delinquent act as if
32 the consent decree had never been entered. However, the court
33 may not enter a consent decree unless the child and the child's
34 parent, guardian, or custodian are informed of the consequences
35 of the consent decree and the child agrees to the terms and

1 conditions of the consent decree.

2 The bill amends current law so that the court may enter a
3 consent decree only after the child admits to having committed
4 a delinquent act, the court finds that the child committed a
5 delinquent act, or the child and the county attorney agree to
6 the consent decree.